

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ALISHA W. WILKES

Plaintiff,

v.

GMAC MORTGAGE LLC, et al.,

Defendants.

:
:
:
: CIV. NO. 1:10-cv-01160
:
:
:
:

**PLAINTIFF’S MEMORANDUM IN OPPOSITION TO DEFENDANT GMAC
MORTGAGE, LLC’S MOTION TO CLARIFY COURT’S RULINGS DURING
THE TELEPHONIC HEARING ON JUNE 1, 2011, OR ALTERNATIVELY FOR
AN EXTENSION OF PRETRIAL DISCLOSURE DEADLINES**

Plaintiff Alisha Wilkes, by counsel, hereby submits her Memorandum in Opposition to Defendant GMAC Mortgage, LLC’s Motion to Clarify Court’s Rulings during the Telephonic Hearing on June 1, 2011, or Alternatively for an Extension of Pretrial Disclosure Deadlines.

This Court’s Order dated February 2, 2011, provided that discovery was to be completed by June 10, 2011 and scheduled the Final Pretrial Conference for June 16, 2011. (Docket No. 32.) On June 1, 2011, Magistrate Judge Jones conducted a telephonic hearing regarding discovery motions filed by Plaintiff and Defendant. (Docket No. 64.) During the telephonic hearing that occurred on June 1, 2011, the Court stated that it would permit a one-week extension for Rule 26(a)(3) Pretrial Disclosures if the parties submitted an Agreed Order asking for the extension. Since neither party requested an extension for Filing of the Pretrial Disclosures, the deadline for Pretrial Disclosures is still June 16, 2011, as per this Court’s Order. (Docket No. 32). Indeed, no order altering

the current schedule has been entered, and Plaintiff has relied on the deadline for making such disclosures as being firm.

In an effort to provide this disclosures to Defendants' counsel prior to the Final Pretrial Conference, Plaintiff and her counsel have expended considerable time and resources to complete her Pretrial Disclosures, which are nearly complete as of the date of the filing of this memo,. Plaintiff believes that the Pretrial Disclosures, especially the disclosures regarding witnesses and documents, need to be made in accordance with the June 16 deadline, for numerous reasons. Among these is that counsel anticipates multiple substantial Motions in Limine that will need to be litigated prior to the start of trial, given the Defendant's discovery conduct. Thus, it is imperative that the Defendants disclose their intentions as to witnesses and trial exhibits by the deadline that has been in effect for months. As depositions are still ongoing due to the Defendant's failure to make its Rule 30(b)(6) witnesses available on the earlier dates as noticed, Plaintiff submits that her trial deposition designations should be due on or before July 7, 2011.

WHEREFORE, Plaintiff, by counsel, respectfully requests that the Court deny Defendant GMAC Mortgage, LLC's Motion to enlarge the time to make witness and exhibit disclosures and grant its Motion to enlarge the time to make Deposition Designations, but through July 7, 2011; and grant such further relief as the Court deems appropriate.

Dated: June 13, 2011

Respectfully Submitted,
ALISHA WILKES,

By: _____/s/
Leonard A. Bennett, VSB #37523
Consumer Litigation Assoc PC
12515 Warwick Blvd
Suite 100
Newport News, VA 23606
757-930-3660
757-930-3662 (fax)
lenbennett@cox.net

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of June, 2011, I electronically filed the following document with the Clerk of Court using the CM/ECF system, which will send notification of filing to the following CM/ECF participants:

Counsel for GMAC Mortgage, LLC

John C. Lynch
Troutman Sanders LLP
P. O. Box 61185
222 Central Park Ave
Suite 2000
Virginia Beach, VA 23462
757-687-7765
757-687-1504 (fax)
john.lynch@troutmansanders.com

Counsel for American Funding, Inc.

Brian Nelson Casey
Taylor & Walker PC
555 Main St
PO Box 3490
Norfolk, VA 23514-3490
(757) 625-7300
bcasey@taylorwalkerlaw.com

/s/

Leonard A. Bennett, VSB #37523
Consumer Litigation Assoc PC
12515 Warwick Blvd
Suite 100
Newport News, VA 23606
757-930-3660
757-930-3662 (fax)
lenbennett@cox.net